IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 171 OF 1990

WITH

CIVIL APPLICATION NO.1251 OF 1991

AND

CIVIL APPLICATION NO. 1252 OF 1991

Sarto Francis & Anr. .. Petitioners

versus

Mrs.Lily D'Souza Francis & ors. .. Respondents

...

None for the petitioner.

Mr.M.J. Shetty for the respondent nos.1 and 2.

Mr.A.J. Bhor for the respondent nos.3 and 4.

CORAM : B.H. MARLLAPALLE,J

DATED : 24th August 2005.

P.C.:

1. The petitioners have alleged that the respondent nos.1 and 2 had wilfully acted in breach of the consent terms signed and submitted by them in L.E. Suit 136 of 157 of 1983 before the Small Causes

Court at Mumbai. While granting rule by way of ad-interim order, the Court Receiver was appointed. The Court Receiver took possession of flat no.201 on second floor in the building by name 'Utopia', St.Andrews Road, Bandra (West). Repairs for the suit flat were permitted by this Court as per the order dated 12th August 1990 and the Court Receiver states that repairs were carried out. As per the Court Receivers report now submitted before this Court, the suit flat has already been handed to the petitioners on 20th March 1991 and therefore, nothing further survives in this Contempt Petition.

2. Contempt Petition is hereby dismissed. Rule discharged.

3. Civil Applications do not survive and is disposed of as such.

B.H. MARLAPALLE, J